



FREMONT PLANNING BOARD

March 24, 2010

Meeting Minutes

Approved April 21, 2010

Present: Chairman Roger Barham, Vice-Chair and CC Rep. John (Jack) Karcz, Selectman Brett Hunter, Member John (Jack) Downing, Alt./ Building Official Thom Roy, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:10 pm.

MINUTES

Mr. Karcz made the motion to approve the minutes of the March 17, 2010 meeting as written. Motion seconded by Mr. Hunter with unanimous favorable vote.

RULES OF PROCEDURE

Mr. Barham distributed the current Planning Board Rules of Procedure document for the Board to review. It was noted that NH RSA 676:1 mandates that the Planning Board must have rules of procedure in place. The Amendment section states:

“These rules of procedure may be amended by a majority vote of the members of the Board present provided that such amendment is read at a regular meeting of the Board immediately preceding the meeting at which the vote is to be taken. “

The Board reviewed the document and discussed the following changes (~~deleted~~; *add new*):

Members and Alternates

Renumber section 3 to 2 with no verbiage change.

Renumber section 2 to 3 and amend as shown below.

3. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**. (~~Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled by the original appointing or designating authority, for the unexpired term~~).

4. ~~Vacancies in the membership of the Fremont Planning Board occurring other than through the expiration of a term of office shall be fill by the original appointing or designation authority, for the unexpired term as required by~~ **RSA 673:12**.

RSA 673:12, III: *The chairperson of the Planning Board may designate an alternate member of the board to fill the vacancy temporarily until the vacancy is filled in the manner set forth in RSA 673:12, I and II. If the vacancy is for an ex officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex officio member.*

Officers

1. Chairman: The Chairman shall be elected annually by a majority vote of the Board in the month of ~~January~~ April.
2. Vice-Chairman: The Vice-Chairman shall be elected annually by a majority vote of the Board in the month of ~~January~~ April.

Meetings

1. Regular meetings shall be held at least monthly in the basement meeting room of the Fremont Town Hall. (Meetings are ~~currently~~ typically held at 7:00 pm on the first, third and fourth Tuesday of each month, *but are subject to rescheduling*)
5. Member Replacement: ~~The alternate should continue until the matter is completed; the regular member does not vote on that matter.~~
6. Disqualification: ~~The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.~~

Decisions

4. Notice of decision will be made available for public inspection during regular business hours at the Selectmen's Office and the Land Use Office of the Fremont Town Hall ~~within one hundred and forty four (144) hours after the decision is made,~~ as required in **RSA 676:3**.

Records:

2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection ~~not more than one hundred and forty four (144) hours after the public meeting~~ as required in **RSA 91-A: 2, II**.

The Board will vote on these amendments at the next meeting as mandated in the current Rules of Procedure.

RE-ORGANIZATION OF THE BOARD

There was a discussion relative re-organization of the Board.

Mr. Karcz made the motion to nominate and elect Mr. Barham to serve as Chairman for the ensuing year.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Barham accepted.

Mr. Hunter made the motion to nominate and elect Mr. Karcz to serve as Vice-Chairman for the ensuing year.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Karcz accepted.

ALBERT & JOYCE WITHAM/THAYER FAMILY TRUST

LOT LINE ADJUSTMENT

MAP 3 LOT 001 (internal parcels 1-1-45 & 1-1-46 of the Countryside Estates) and Map 5 Lot 058

The Board received the Mylar and plans for the recently approved Lot Line Adjustment for the above referenced parcels. Mrs. Bolduc reported that the Mylar has been pre-approved by the Rockingham Registry of Deeds and the proper recording fees have been submitted. Upon review, the Members found everything to be in order; the Mylar and plans were signed by the Board and will be recorded within 3 business days.

LOTHIAN, RICHARD

Mr. Roy and Mr. Karcz reported that they met with Mr. Lothian at the site at 291 North Road on Tuesday March 23, 2010 to ascertain compliance with the terms of the Consent to Modification and Amendment to the Site Plan for Lothian Automotive.

On the comment sheet under Comments Mr. Karcz noted: *Visited the property and the fence was done on 3 sides, which was all that was required. We asked if the septic and plumbing were complete since no plumbing permits were requested. We asked to go in the building to verify that the septic and water were connected. Mr. Lothian declined to let us enter the garage. Under Recommendations: Mr. Lothian has complied with our fence request and has until July 30 to complete his septic and water. I think we should verify that the septic and plumbing is connected.*

The Board received a copy of a March 24, 2010 correspondence to Mr. Lothian from Mr. Roy, as Building Official/Code Enforcement Officer, relating that provisions of the site plan (for the commercial building at 291 North Road) required the installation of a new septic system and a new water supply system which would have required that permits be taken out by the proper licensed trades people, and inspections by the Building Inspector. Mr. Roy informed Mr. Lothian of building code requirements and noted that no recent permits are on file relating to work performed at 291 North Road. He noted that during the site visit Mr. Lothian refused entry of his proposed commercial repair shop.

It was agreed that with the placement of the fence Mr. Lothian is in compliance with the terms of the Site Plan Review at this time. An additional condition of approval was that the septic system and well are in place and operative no later than July 30, 2010. The Members agreed that the Board should not approve any application by Lothian Automotive to the NH Department of Safety, Division of Motor Vehicles for a bonded auto dealer license and repair dealership plate certifications until it can be verified that the septic and well are in place and operative.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

Mrs. Bolduc distributed information taken from the OEP 2007 Planning Board Handbook relative to the CIP purpose and process.

CTAP PHASE II- DARK SKIES; FUTURE LAND USE; MASTER AUDIT

There is nothing to report on any of the CTAP Phase II projects other than that RPC is preparing to move forward with the projects.

OPEN SPACE PLAN

The Board is waiting for the Open Space Task Force to complete their review of the Open Space Plan report draft. Once approved by that group it will be sent to this Board for final review and acceptance.

WATER RESOURCE MANAGEMENT PLAN – NRI Section of the Master Plan

The Board is still waiting for Glenn Greenwood of RPC to submit the draft of the Water Resource Management Plan.

ZONING ORDINANCES

Mrs. Bolduc reported that she spoke with Mr. Groth who said that he did find some ordinances that some other Towns have in place relative to nuisance and adult entertainment and he will send them to the Land Use Office for discussion at the next meeting.

REGULATIONS AMENDMENTS

Mrs. Bolduc related that she has spoken with Dan Tatem and he has agreed to issue a revised cost estimate for him to draft updates to the Site Plan Review and Subdivision Regulations (as a job lot). He said he could reduce the cost to the Boards \$2,000 credit with Stantec. The original fee estimates were \$1,284 for SPR 1- parking lot design, 2 – plan compliance monitoring, and 3 – landscaping; and \$952 for SD 1- Development Agreement. Mr. Tatem disagreed with the Board that SPR 1 – parking lot design; and 3- landscaping are similar and will relate his rationale in the cover letter he submits with the revised cost estimate.

SITE PLAN REVIEW SUBCOMMITTEE

The newly formed Site Plan Review Sub-Committee have met three times and are scheduled to meet again on March 29, 2010 to continue to work on modifying the SPR process so that it will be less cumbersome for applicants who are seeking a permit for a minor commercial operation.

BUDGET

The Members received the expenditure report as of March 19, 2010.

INCOMING CORRESPONDENCES

There was no incoming correspondence.

ZONING ORDINANCE IX SECTION C2D

There was a conversation relative to the additional distance requirements due to slopes greater than 12% as required in Zoning Ordinance IX Section C2d and whether the Planning Board or the ZBA determines changes to buffer distances on an existing plan. There was a question of whether the Board has the authority to, and/or would be willing to, modify a distance requirement if the spirit of the condition was maintained. There was also a discussion relative to whether a modification of that nature would call for amending the plan.

Mr. Roy said that he has posed the questions to Town Counsel and is waiting for his answers.

Mr. Karcz made the motion to adjourn at 8:45 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the March 3, 2010 meeting:

- Mr. Groth will talk with Glen Greenwood about a timeline and who at RPC should meet with the Board relative to the CIP and report back to the Board with the answer.

- Mr. Groth will forward some models of zoning ordinances relative to “adult entertainment” and to “nuisance” for the Board’s review.
- Mr. Groth will look into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table. **Completed.**

From the March 17, 2010 meeting:

- Mr. Barham to draft a table on the CIP process for the Members to review.

PROJECTS PENDING WITH RPC

- CTAP DOT Build-out- funded with CTAP Phase I Funds = **\$10,000**; original completion date of October 28, 2009; moved to end of 2009 – near completion to date.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009. Still pending.
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of May 19, 2009; moved to November 4, 2009. Complete.
- Open Space Plan - funded with CTAP Funds = **\$10,000**; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation February 24, 2010.
- CTAP Road Map = January 13, 2010- Complete.
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TGB) and the Towns share (**\$2,000**) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009. Still pending.
- Dark Skies Ordinance - Funded with CTAP Phase II funds = **\$1,750**; completion date of August 1, 2010.
- Future Land Use MP Chapter Update- Funded with CTAP Phase II funds = **\$2,000**; completion date of August 1, 2010.
- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of August 1, 2010.
- Public Utilities Chapter of the MP update – Funded with the 2010 Targeted Block Grant; (TGB) completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- GIS Maps for Public Utilities Chapter of the MP - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.

Updated project timeline table below.

2009 – 2010 Rockingham Planning Projects – CTAP and Non-CTAP

CTAP Phase I

Projects CTAP Phase I	Status	2008 Dec	2009 19 May	2009 28 Oct	2009 04 Nov	2010 13 Jan	2010 17 Feb	2010 24 Feb	2010
Build Out	Pending Final product			Original Comple tion date			Final Presenta tion		
Housing MP	Pending	Projected Completion date							
Inclusionary Ordinance	Complete				Complete				
Open Space Plan	Pending Final product Complete		Original completion date					Final Present ation	
CTAP Road Map					Complete				

CTAP Phase II

Projects CTAP Phase II	Status	2010 1 Aug
Dark Skies Ordinance	Pending	Projected Completion date
Future Land Use MP Chapter	Pending	Projected Completion date
Master Plan Audit	Pending	Projected Completion date

NON-CTAP

Projects Non-CTAP	Status	2009 30 June	2010 30 June
WRMPP (2009 TBG)	Pending	Original Completion date	
Public Utilities - MP (2010 TBG)	Pending		Completion Date
GIS Maps for Public Utilities – MP (2010 TBG)	Pending		Completion Date
CIP Process Submittal Materials 1 final copy of updated MP, CIP elements	Pending		Completion Date